

**September 10, 2020**

Ernesto Rodriguez (“Mr. Rodriguez” or “Defendant”) pled guilty to conspiracy to distribute and to possess with intent to distribute 40 grams or more of fentanyl in violation of 21 U.S.C. §846. On September 24, 2019, I sentenced him to twenty months’ imprisonment followed by three years of supervised release. As of the date of this Order, he has served approximately half of his sentence which is set to expire on March 23, 2021. Mr. Rodriguez is currently housed at the Federal Medical Center at Devens in Ayer, Massachusetts (“FMC Devens”).

On August 12, 2020, Mr. Rodriguez filed a motion for a reduction of sentence pursuant to which he is requesting compassionate release under 18 U.S.C. §3582 due to the ongoing COVID-19 pandemic. Mr. Rodriguez cites the danger that COVID-19 poses to his health and safety given his chronic and serious medical conditions which place him in at a high risk of severe illness or death should he contract COVID-19. Currently, FMC Devens has 3 positive COVID-19 cases (1

inmate and 2 staff members). Since the outbreak of the virus at FMC Devens, two inmates who have tested positive for COVID-19 have died and 47 inmates and six staff members who have tested positive have recovered. The current conditions at FMC Devens must be balanced against the fact that Mr. Rodriguez is 51 years old, has served almost half of a relatively short sentence and has multiple serious medical conditions which put him at high risk of severe illness should he contract the virus. The Government does not oppose Mr. Rodriguez's release. Accordingly, I have determined that Mr. Rodriguez has met his burden to show the existence of extraordinary circumstances warranting release under 18 U.S.C. § 3582(c)(1)(A) as follows:

Mr. Rodriguez's sentence is reduced to time served, and his period of supervised release is increased by 6 months. His 42-month term of supervised release shall begin as of the date of his release from FMC Devens. He shall further self-quarantine for the first fourteen days of his release. All other conditions of supervised release from his September 27, 2019 judgment shall remain in effect.

### **Conclusion**

For the reasons explained above, I **grant** Defendant's Motion For Reduction of Sentence (Docket No. 173). His sentence is reduced to time served, and his period of supervised release is increased by 6 months. His 42-month term of supervised release shall begin on the date that he is released from FMC Devens and he shall serve his term of supervised release at his residence in Lawrence, MA. Mr. Rodriguez shall additionally self-quarantine for the first fourteen days after his release. In furtherance of these conditions, the Court ORDERS that:

The defendant is to possess or have access to a telephone, smart phone, or compatible device that will allow video conferencing with the Probation Department.

All other conditions of supervised release from his September 27, 2019, judgment shall remain in effect.

**SO ORDERED**

/s/ Timothy S. Hillman

**Timothy S. Hillman**

**UNITED STATES DISTRICT JUDGE**